88-601

Supreme Court, U.S.
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IN THE
Supreme Court of the United States
OCTOBER TERM, 1988

No. 88-

MIKE CONWAY, JUDY THOMPSON,
and TED SCHWARTZ,
Petitioners,

v.

UNITED STATES OF AMERICA,
and
JACKIE PRESSER, HAROLD FRIEDMAN,
and ANTHONY HUGHES,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

ROBERT S. CATZ
STEPHEN W. GARD

College of Law
Cleveland State University
Cleveland, Ohio 44115
(216) 687-3904

Counsel for Petitioners

QUESTION PRESENTED

Is the United States Constitution abridged by Federal Court rules that absolutely and arbitrarily require exclusion of *any* and *all* audio-visual coverage by the media from a Federal trial of great public importance?

PARTIES TO THE PROCEEDINGS BELOW

The following parties appeared before the United States Court of Appeals for the Sixth Circuit.

Appellants:

Mike Conway, Judy Thompson and Ted Schwartz.

Appellees:

The United States of America, Jackie Presser, Harold Friedman and Anthony Hughes.

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MIKE CONWAY, JUDY THOMPSON,
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PETITION

Mike Conway, Judy Thompson, and Ted Schwartz, professional broadcast journalists, petition this Court to issue a writ of certiorari to the United States Court of Appeals for the Sixth Circuit to review the final judgment entered by that court.

OPINIONS BELOW

The opinion of the court of appeals is reported as *Conway v. United States*, 852 F.2d 187 (6th Cir. 1988), and is reproduced here as Appendix A. The district court filed a memorandum and order that is unreported as *United States v. Presser*, and is reproduced here as Appendix B.

JURISDICTION

The final judgment of the court of appeals was entered on July 20, 1988. This petition was filed within ninety days of that date. This Court's jurisdiction is invoked pursuant to 28 U.S.C. 1254(1).

CONSTITUTIONAL PROVISIONS, STATUTES AND RULES INVOLVED

This case involves the first amendment of the United States Constitution (reproduced as Appendix C), the fifth amendment of the United States

Constitution (reproduced as Appendix D), Rule 53 of the Federal Rules of Criminal Procedure (reproduced as Appendix E), and Rule 11.01 of the Local Rules of the United States District Court for the Northern District of Ohio (reproduced as Appendix F).

STATEMENT OF THE CASE

The United States instituted criminal proceeding on May 16, 1986, by filing an indictment against Jackie Presser, the President of the International Brotherhood of Teamsters, and two other local Cleveland union officials. The indictment charged the defendants with various racketeering activities (RICO) in violation of 18 U.S.C. §1962 by the embezzlement of union funds by means of a "ghost employee" scheme whereby certain individuals were allegedly paid a union salary although

they allegedly performed no union services or duties.

On October 29, 1987, Petitioners Mike Conway, a professional television news broadcaster, Judy Thompson, a professional radio news broadcaster, and Ted Schwartz, a professional photo-journalist, filed their application for intervention for the purpose of securing the permission of the district court to televise, broadcast and/or photograph the trial in this criminal case of great public interest. Petitioners specifically requested that the district court conduct an evidentiary hearing in order that Petitioners might "present a demonstration of the exact equipment they propose to use, or present witnesses, affidavits, videotapes and surveys to demonstrate that there is no incompatibility between electronic media access and the orderly administration of

justice" and that the district court might consider "the specific time, place and manner restrictions which should be applied to electronic media in this case."

On November 10, 1987, the United States filed its Response opposing Petitioners' motion to televise, broadcast and/or photograph the Jackie Presser trial. The United States agreed that Rule 53 of the Federal Rules of Criminal Procedure and Local Rule 11.01 of the United States District Court for the Northern District of Ohio absolutely prohibits the televising, broadcasting or photographing of judicial proceedings and argued that these rules do not violate the Constitution. The United States conceded that the court had jurisdiction to hear Petitioners' challenge to these rules and that the constitutional issues could not be avoided. The United States presented

no evidentiary material whatsoever in support of its response in opposition. None of the criminal defendants objected in the district court to Petitioners' request. On November 18, 1987, Petitioners filed the affidavits of several journalists and broadcast technicians in support of their application.

The affidavits sought to demonstrate unequivocally that the present state of audio-visual technology was such that the broadcasting, televising, recording or photographing of judicial proceedings could be conducted in a manner consistent with proper decorum and fair procedures, such that they should not be prohibited by the district court.

On January 14, 1988, the district court below issued its Memorandum and Order denying Petitioners' application for permission to televise, broadcast and/or

photograph the criminal trial in *United State v. Presser*. Petitioners' request for an evidentiary hearing was also denied on the ground that "no issue of fact need be resolved." (App. B.2) The district court further found that Rule 53, FRCrP, and Local Rule 11.01 clearly prohibit the televising, broadcasting or photographing of judicial proceedings and do not violate the first amendment to the United States Constitution. (*Id.* at 5-6.) No findings of fact specific to the instant case were made but the district court did state that the general prohibition assures "that litigants and witnesses are not distracted by media shyness or 'showboating'." (*Id.* at 5.)

Petitioners' appealed to the United States Court of Appeals for the Sixth which affirmed the judgment of the district court on July 20, 1988.

This timely petition follows.

REASONS FOR GRANTING REVIEW

This case raises significant and fundamental constitutional questions that have not been resolved by this Court.

1. The primary reason that this Court should grant certiorari is that the question presently is of great importance to the public interest in directly observing the workings of the federal justice system and to the administration of justice in every federal court in the United States.

In 1962 the Judicial Conference of the United States by resolution denounced the use of electronic media coverage in the United States Courts.

> RESOLVED, That the Judicial Conference of the United States *condemns* the taking of photographs in the courtroom or its environs in connection with any judicial proceedings, and the broadcasting of judicial pro-

> ceedings by radio, television, or other means, and considers such practices to be inconsistent with fair judicial procedure and that they ought not to be permitted in any federal court. (Emphasis added)

And in 1980 the Judicial Conference issued the following recommendation.

> The taking of photographs and operation of tape recorders in the courtroom or its environs, and radio or television broadcasting from the courtroom or its environs during the progress of or in connection with judicial proceedings, including proceedings before a United States Magistrate, whether or not court is actually in session, is prohibited. A judge may, however, permit (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, and (2) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings.

Today, as this Court well knows, with the exception of "investitive, ceremonial, or naturalization proceedings" the prohibi-

tion of electronic media broadcasting in the United States Courts continues.

Throughout the nation a vast technological revolution has occurred regarding public access to governmental institutions. From the United States Senate[1] and the House of Representatives, state legis-

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[1]The irony should not be lost that under *United States Senate Impeachment Rules* impeachment trials may be televised. The Senate impeachment trial of United States District Judge Harry Eugene Claiborne (D. Nevada) was televised from September 15, 1986 to September 23, 1986. *Proceedings of the United States Senate in the Impeachment Trial of Harry E. Claiborne, a Judge of the United States District Court for the District of Nevada*, S. Hrg. 99-812, 99th Cong., 2d Sess. (1986).

On March 1, 1989, the United States Senate will conduct yet another impeachment trial. The trial of United States District Judge Alcee L. Hastings (S.D. Florida), undoubtedly will be televised. *Report of the Committee on Rules and Administration on Procedure for the Impeachment Trial of United States District Judge Alcee L. Hastings in the United States Senate* p. 37 (September 20, 1988).

latures, county and city councils, boards of education, to state courts, electronic broadcasting is now a matter of institutional routine and commonly accepted practice.[2]

Whatever the antiquated reasons which once justified the prohibition of electronic broadcasting of federal judicial proceedings, those reasons are no longer valid, and represent nothing more than a

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[2]Decorum, a major rationale for prohibiting live broadcasting in the United States Courts hardly holds true. Throughout the nation even churches and synagogues routinely permit live broadcast coverage of solemn religious worship services and are conducted in the most dignified and unobtrusive manner.

The federal judiciary appears to be the last public institution to hold the line against broadcasting. No doubt a cynic might observe that the federal judiciary's insistence in prohibiting broadcasting, in the United States Courts, given the advanced state of the technology, has little to do with notions of "fair judicial procedure," and decorum, but probably more to do with the federal judiciary's majestic sense of self-image.

governmental choice by the federal judicial establishment which is "clearly wrong, a display of arbitrary power, not an exercise of judgment." *Mathews v. DeCastro*, 429 U.S. 181, 185 (1976).

It is now possible as has been demonstrated in more than forty states which permit some form of electronic media coverage of state judicial proceedings,[3] to televise, broadcast and photograph trials in an unobtrusive fashion in a manner which neither lessens courtroom decorum nor infringes upon the fair trial rights of the parties. The "state court experience" has established through extensive experimentation that electronic media

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[3] *See* Note, *Television Coverage of Trials: Constitutional Protection Against Absolute Denial of Access in the Absence of Compelling Interest*, 30 VILLANOVA L. REV. 1267, 1294 (1985). *See also*, Frank, *Cameras in the Courtroom: A First Amendment Right of Access*, 9 COMMUN.-ENT. L.J. 749, 800 (1987).

coverage of trials now may be accomplished in a manner which is consistent with all constitutional safeguards. The Court recognized that proposition in *Chandler v. Florida*, 449 U.S. 560 (1981), upholding the Florida rule which allows electronic media coverage of trials.

Chandler having established that electronic media coverage of trials is constitutionally permissible, this Court must now consider whether *absolute* legislative bans of such coverage are constitutionally permissible. *Chandler* did not address this issue. *See* 449 U.S. at 589 (White, J., concurring). The issue is important because large segments of the public are not receiving adequate information about the federal justice system generally and about individual trials. The courts are flooded with litigation -- both civil and criminal -- yet public

understanding of the federal judicial system necessarily is minimal because the vast majority of the public has no opportunity to observe the system directly.

Our constitutional system is predicated on an assumption that citizens will be as informed as much as possible about all branches of government, including the federal judiciary. Greater public awareness of the courts could lead to a better understanding of their workings and to a more informed public debate on substantive legal issues and judicial administration. It also could result in an increased appreciation of the complex, important and time-consuming work performed by all trial participants.

Television, as a visual medium, is particularly suited to fulfilling the need of the American public for greater information about the federal court system. It

conveys information through pictures and sounds of actual events as they happen. Through these pictures and voices of the participants, the atmosphere -- the tones, inflections, and subtleties -- of the event are conveyed to the viewer. Television provides the most accurate and effective tool to report that has ever been devised and the public today relies on that medium more than any other for complete, honest, and objective information about virtually all news events. The electronic media literally provide citizens with a window through which they may see, understand, and participate in an increasingly complex world. The process is unique to these times. No parallel exists in history.

Still photographs of news events illustrate printed reports and provide an important source of information to the

public. No subjective narrative description of what has transpired in a courtroom can provide the instantaneous, accurate information contained in even a single photograph.

This case squarely presents the important issue of whether a total and outright ban in every case by legislative prohibition of electronic media access to federal court trial proceedings is constitutionally permissible -- the Court already having established that electronic media access to criminal trials is constitutionally permissible.[4]

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[4]The lower federal courts have consistently upheld the ban against electronic broadcasting. *See Appeal of Cable News Network*, 752 F.2d 16 (2d Cir. 1984), *cert. denied*, 472 U.S. 1017 (1985); *United States v. Edwards*, 785 F.2d 1293 (5th Cir. 1986); *United States v. Kerley*, 753 F.2d 617 (7th Cir. 1985), and *United States v. Hastings*, 695 F.2d 1278 (11th Cir.), *cert. denied*, 461 U.S. 931 (1983). This case gives this Court yet another opportunity to squarely confront the important public policy issues presently.

Limiting access to a trial to the print media alone and to those few members of the public fortunate enough to squeeze into the courtroom in a case of great public interest denies first-hand, real-time access -- and access to a delayed but exact replay -- to tens of millions of citizens, all of whom are relegated by such a limitation to qualitatively inferior interpretations of what occurred, and thereby raising serious important first amendment and equal protection concerns.

This Court has held that members of the media -- print *or* electronic -- may claim for themselves no rights of access "greater than those of any other member of the public." *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 609 (1978) (quoting *Estes v. Texas*, 381 U.S. 532, 589 (1965)). Yet, when television and radio coverage represents the *only* means by

which all but a handful of citizens may *ever* exercise the right of access supposedly secured to them by the first amendment, a ban on all such coverage -- regardless of its unobtrusive nature -- constitutes something very different from a refusal to accord privileged status to the institutional press.[5] It represents instead a total denial, both at the time of trial and thereafter, of a first amendment right belonging to every would-be viewer in the country.

Furthermore, as electronic media coverage is permitted in federal courtrooms for other formal judicial proceedings

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[5]Indeed, a ban on broadcast equipment in the courtroom in a sense *inverts* the traditional rule and favors representatives of the press over ordinary citizens. When seats are reserved for reporters, the representatives of the news media enjoy a right of first-hand observation at the expense of individual members of the public.

(investitive, ceremonial, or naturalization) the rule prohibiting broadcasting in trial proceedings is also subject to rational basis scrutiny given the benign and unobtrusive advanced state of the technological art. *Zobel v. Williams*, 457 U.S. 55 (1982); *Plyler v. Doe*, 457 U.S. 432 (1982); *Hooper v. Bernalillo County Assessor*, 472 U.S. 612 (1985); *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985). As this Court is well aware electronic equipment now exists that can be installed in a courtroom in a manner that cannot even be detected by the parties present. The best evidence of that contention is this Court's own installation and use of an electronic system for recording proceedings for its own internal use.

The district court below continues to advance the fiction that the absolute

prohibition on telecasting, broadcasting and photographing all trials in federal court "serves the significant government interest of promoting fair and accurate fact finding by assuring that litigants and witnesses are not distracted by media shyness or 'showboating'. . . ." (App. B.5) By 1988, to suggest that the rule can survive constitutional scrutiny, given the known state of the art, by vague and oblique references to notions of "decorum" and "fair judicial procedures" underlying the absolute ban, defies logic, reason, and the available empirical evidence acquired by the state court experience the past decade, and is almost subject to ridicule and derision for want of rationality, and may be viewed by some as a rule, given its inflexibility, that promotes nothing more than federal judicial insularity.

The Court should grant review to finally resolve whether the federal judiciary's rule prohibiting electronic broadcasting can satisfy the stringent standards mandated by this Court:

> The presumption of openness may be overcome only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest. The interest is to be articulated along with findings specific enough that a reviewing court can determine whether the closure order was properly entered.

Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 510 (1984). *See also Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 12-13 (1986); *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606-07 (1982).

The rule against outright prohibition abridges the first amendment rights of the public. The outright prohibition of telecasting, broadcasting and photographing

all trials in the federal courts across the nation neither serves an "overriding interest" nor is "narrowly tailored" to serve that interest. Given the known state of the technology it can now be demonstrated that an outright and complete prohibition is lacking in a rational basis.[6]

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[6]The commentators that have considered the question universally recognize that an outright ban of telecasting, broadcasting and photographing of judicial proceedings is unconstitutional. *See, e.g.*, L. TRIBE, AMERICAN CONSTITUTIONAL LAW 964 (2d ed. 1988); Frank, *Cameras in the Courtroom: A First Amendment Right of Access*, 9 COMMUN.-ENT. L.J. 749 (1987); Nevas, *The Case for Cameras in the Courtroom*, 20 JUDGES J. 22 (Winter 1981); Davis; *Television in Our Courts: The Proven Advantages, The Unproven Dangers*, 64 JUDICATURE 85 (1980); Zimmerman, *Overcoming Future Shock: Estes Revisited, or a Modest Proposal for the Constitutional Protection of the News-Gathering Process*, 1980 DUKE L.J. 641; Comment, *The "Right of Information Triangle": A First Amendment Basis for Televising Judicial Proceedings*, 4 U. HAW. L. Rev. 85 (1982); Note, *Television Coverage of Trials: Constitutional Protection Against Absolute Denial of Access*

CONCLUSION

This petition for certiorari should be granted. This Court should no longer avoid the important fundamental issues presented here on a matter that so greatly affects the public interest.

Respectfully submitted,

ROBERT S. CATZ
STEPHEN W. GARD
College of Law
Cleveland State Univ.
Cleveland, OH 44115
(216) 687-3904

Counsel for Petitioners

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in the Absence of a Compelling Interest, 30 VILL. L. REV. 1267 (1985).

Justice Potter Stewart observed after his retirement from the Court that:

> Our courtroom is an open courtroom: the public and the press are there routinely, and since today television is part of the press, I have a hard time seeing why it shouldn't be there too. . . .

Justice Stewart Retires, 67 A.B.A.J. 954, 954 (1981).

APPENDIX A

No. 88-3074
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MIKE CONWAY, JUDY JUDY THOMPSON, AND TED SCHWARTZ,	)	
Intervenor Applicants-Appellants,	)	ON APPEAL from the United States District Court for the Northern District of Ohio.
v.	)	
UNITED STATES OF AMERICA Plaintiff-Appellee,	)	
JACKIE PRESSER, HAROLD FRIEDMAN, AND ANTHONY HUGHES	)	
Defendants-Appellees.	)	

Decided and Filed July 20, 1988

Before: LIVELY and JONES , Circuit Judges; and PECK, Senior Circuit Judge.

PER CURIAM. This is an appeal by professional broadcast journalists from an order of the district court denying their motion as intervenors in the criminal prosecution of Jackie Presser and others for permission to telecast, broadcast and photograph the trial which is scheduled to begin in July 1988. This court granted an expedited appeal, and oral arguments were presented to the panel on Friday, June 17, 1988.

The district court denied the motion in reliance on Rule 53 of the Federal Rules of Criminal Procedure and Rule 11.01 of the Local Rules of the District Court. The intervenors-appellants argued in the district court and in this court that the two rules, which absolutely prohibit the broadcasting, telecasting and photographing of judicial proceedings, violate the First Amendment. The question is whether

this prohibition impermissibly infringes on the right of access to judicial proceedings guaranteed by the First Amendment. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980).

As counsel for the appellants conceded at oral argument, the rules do not deny professional broadcast journalists and photographers access to the court room where the trial will be conducted. What appellants argue is that the rules place restrictions on that right of access which do not satisfy the requirement that such regulations be reasonable as to time, place and manner.

The very issue presented in this appeal has been decided by at least three federal circuit courts of appeals, and in each instance the constitutionality of

Rule 53 has been upheld.[1] *See United States v. Hastings*, 695 F.2d 1278 (11th Cir.), *cert. denied sub nom. Post-Newsweek Stations, Florida, Inc. v. United States*, 461 U.S. 931 (1983); *United States v. Kerley*, 753 F.2d 617 (7th Cir. 1985); *United States v. Edwards*, 785 F.2d 1293 (5th Cir. 1986). We agree with these rulings. In a different context, this court recently dealt with the right of access in *United States v. Beckham*, 789 F.2d 401, 406 (6th Cir. 1986) (media's right of access consists of "a right to be present" and the "rights to speak and to publish concerning what takes place at a trial," quoting *Richmond Newspapers*, 448 U.S. at 576-78).

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[1]Since the local rule contains the same absolute prohibition as Rule 53, we need not discuss it separately.

The fact that the Supreme Court held in *Chandler v. Florida*, 449 U.S. 560 (1981), that the Constitution does not require a prohibition against broadcasting, telecasting and photographing criminal trials is a far cry from holding that the Constitution does require that these activities be permitted during judicial proceedings.

The judgment of the district court is affirmed.

APPENDIX B

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

UNITED STATES OF AMERICA	)	CASE NO. CR86-114
Plaintiff	)	JUDGE GEORGE W. WHITE
vs.	)	
JACKIE PRESSER, et al	)	MEMORANDUM AND ORDER
Defendants	)	

This matter is before the Court pursuant to the motion of Intervenor-Applicants Mike Conway, (Television Broadcaster), Judy Thompson, (Radio Broadcaster) and Ted Schwartz, (Photographer) requesting this Court to permit the electronic news media to telecast, broadcast and photograph the instant trial. In support of their motion

applicants argue that Rule 53 of the Federal Rules of Criminal Procedure and Rule 11.01 of the Local Civil Rules of the United States District Court constitute an absolute prohibition of the electronic media in the courtroom and, as such, violate the First Amendment of the United States Constitution.

Applicants request that oral argument be held on this motion. The request for oral argument is denied as no issue of fact need be resolved. The issue will be decided on the briefs.

The First Amendment right of access to trial proceedings possessed by the press is no greater than that possessed by the general public. *Estes v. State of Texas*, 85 S.Ct. 1628, 1631 (1978); *Nixon v. Warner Communications, Inc.*, 98 S.Ct. 1306, 1318 (1978). That right entitles one to attend trials, listen to the

proceedings and report what occurs. *Id.*; *U.S. v. Edwards*, 785 F.2d 1293, 1295 (5th Cir. 1986). The press has no constitutional right to televise, record or broadcast trial proceedings. *Estes v. State of Texas*, 85 S.Ct. at 1631; *Chandler v. Florida*, 101 S.Ct. 802, 807 (1981) citing *Nixon v. Warner Communications, Inc.*, 98 S.Ct. at 1318; *U.S. v. Hastings*, 695 F.2d 1278, 1280-84 (11th Cir.); *cert. denied*, 103 S.Ct. 2094 (1983); *U.S. v. Kerley*, 753 F.2d 617, 620 (7th Cir. 1985); *U.S. v. Edwards*, 785 F.2d at 1295-96.

As has been noted by other courts considering this issue, Rules 53 and 11.01 do not preclude any member of the electronic media from attending a criminal trial. All members, whether of the print or electronic media are free to attend, listen and report the proceedings to the public. Moreover, the above-noted rules

do not discriminate in favor of the print media by barring electronic equipment from the courtroom. Both types of media representatives may record their observations with pen and paper and both types are prevented from bring specialized equipment (typewriters, cameras, etc.) into the courtroom. As such, the rules are non-discriminatory. *Estes*, 85 S.Ct. at 1631.

It is thus clear that these rules neither result in the closure of trial proceedings nor discriminate against a particular type of media representative. The rules therefore are not unconstitutional.

The rules at issue constitute, at most, a time, place and manner restriction on a particular method of news gathering, i.e., the broadcasting, televising and photographing of trial proceedings. This

specific restriction has previously been upheld as valid. *U.S. v. Kerley*, 753 F.2d at 620 (upholding Rule 53 as a reasonable time, place and manner restriction); *U.S. v. Hastings*, 695 F.2d at 1282-93 (Rule 53 upheld as a reasonable time, place and manner restriction).

This court agrees with existing precedent. A restriction limiting the presence of photographic, television and broadcasting equipment in the courtroom during trial proceedings is a reasonable and neutral one; it serves the significant government interest of promoting fair and accurate fact finding by assuring that litigants and witnesses are not distracted by media shyness or "showboating"; and, as discussed above, it does not abridge in an unwarranted manner the activities of the press. *See U.S. v. Hastings*, 695 F.2d at

1282-1283. This time, place and manner restriction is therefore reasonable.

Given the above analysis, this Court finds that Rule 53, Federal Rules of Criminal Procedure and Rule 11.01, Local Civil Rules of the United States District Court, Northern District of Ohio are constitutional. As these rules clearly prohibit the use of telecasting, photographing and broadcasting equipment in the courtroom during trial proceedings, the applicants' motion is denied.

IT IS SO ORDERED.

George W. White
U.S. DISTRICT JUDGE

APPENDIX C

U.S. CONSTITUTION AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

APPENDIX D

U.S. CONSTITUTION AMENDMENT V

No person shall . . . be deprived of life, liberty, or property, without due process of the law.

APPENDIX E

RULE 53

FEDERAL RULES OF CRIMINAL PROCEDURE

The taking of photographs in the courtroom during the progress of judicial proceedings or radio broadcasting of judicial proceedings from the courtroom shall not be permitted by the court.

APPENDIX F

LOCAL RULE 11.01 OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

The taking of photographs in the courtroom or its environs, or radio or television broadcasting, or the use of equipment incident to radio or television broadcasting from the courtroom or its environs, during the progress of and in connection with judicial proceedings, both civil and criminal, whether or not court is actually in session, including proceedings before a United States Magistrate, a Judge in Bankruptcy Court, or a session of the Grand Jury is prohibited.